

## REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein.

### Election/Restriction Requirement

The Office Action identified two inventions: (1) claims 1-47; and (2) claims 48-66, 69 and 70. Applicants hereby elect, without traverse, the invention in claims 48-66, 69 and 70.

### Drawings

Formal drawings were filed on April 7, 2003. Therefore, Applicants request that the objection to the drawings be withdrawn.

### 35 U.S.C. §101 Rejections

Claims 48-68 were rejected as being directed to non-statutory subject matter. Without adopting the position of the Action, in an effort to conclude prosecution of this matter, Applicant has amended select ones of claims 48-56, as above, to clarify claim language. In this regard, amended claim 48, for example, is directed to a vehicle description language (VDL) hierarchical data structure that is stored in a memory system of one or more communicatively coupled computing systems and transmitted via communications medium between the communicatively coupled computing systems to communicate information associated with a vehicle in support of application(s) executing thereon. Therefore, Applicant submits that claim 48 is directed to statutory subject matter.

Claim 58 is drawn to a propagated signal, which are clearly statutory subject matter. Claims 49-57 depend from claim 48. Claims 59-66 depend from claim 58. Therefore, Nabors, et al.  
A/N: 09/374,577

Applicant submits that each of the pending claims is directed to statutory subject matter.

Accordingly, Applicants request that the rejection of claims 48-68 be withdrawn.

### **35 U.S.C. §103(a) Rejections**

Claims 48-56 were rejected as being obvious over *Draft Proposal: An Industry Standard Data Format for the Export and Import of Automotive Customer Leads* (hereinafter “Draft Proposal”) in view of U.S. Patent No. 6, 131,118 issued to Stupek (hereinafter “Stupek”). As a preliminary matter, Applicants maintain the assertion that combination of the *Draft Proposal* and *Stupek* is improper; however, the argument is not repeated in this response.

Applicant respectfully submits that the *Draft Proposal* merely provides one example of a data format that can be used in the import and export of customer leads. The *Draft Proposal* is directed to communicating data using the Extensible Markup Language (XML). In this regard, the proposed data format includes information regarding the vehicle and a prospective customer (see, pages 5-11). The *Draft Proposal* is silent, however, as to the maintaining the customer-centric information in a private, or secure, section of the data format.

*Stupek* is merely directed to a flexible display of management data in a programmable event driven processing system. In this regard, *Stupek* is silent as to a vehicle description language for communicating information between application(s) on remote computing systems. Although an Appendix of the *Stupek* reference does employ a public delimiter and a private delimiter in information to be processed for display in terms of Java code, *Stupek* fails to disclose or suggest that such delimiters affect the processing of the information contained therein.

Claim 48, as amended, is directed to a vehicle description language (VDL) employed by and between communicatively coupled computing systems to communication information associated with a vehicle in support of application(s) executing thereon, the VDL employing a hierarchical data structure comprising:

- (a) a public block of data, having starting and ending delimiters that identify the beginning and end of the block of data, wherein the public block of data comprises:
  - (i) a vehicle identification sub-block... and comprising a plurality of data items wherein the data items are selected from the group consisting of manufacturer, model, model year, and style of the vehicle,
  - (ii) a vehicle detail sub-block...wherein the vehicle detail sub-block comprises:
    - (1) a standard sub-block... [that] comprises a plurality of data items relating to standard equipment available on a vehicle, and
    - (2) an option sub-block...comprising a plurality of option categories...; and
- (b) a private block of data comprising a plurality of data items relating to the customer who is ordering the vehicle.

That is, the hierarchical data structure provides a standardized data structure to facilitate the communication of not only vehicle information, but a secure means of communicating customer information. Applicant respectfully submits that neither the *Draft Proposal* nor the *Stupek* references, alone or in combination, disclose or suggest that which is presented in amended claim 48. Claims 58 and 69 similarly recite public and private blocks of data.

As introduced above, the *Draft Proposal* fails to disclose or suggest a VDL comprising a data structure that employs a public element to communicate vehicle information, and a private element for communicating customer-centric information. Rather, as presented above, the *Draft Proposal* merely treats *all* information the same.

With regard to *Stupek*, while the reference includes the terms public and private, they are used within the context of an Appendix, which appears to include Java code. The public and private modifiers indicate whether a variable or function can be accessed by a class. The modifiers do not indicate how data within the variable or function are handled. For example, a private class can be used to publish data to a Web site, which would result in the data being public. Therefore, the terms public and private as used in *Stupek* have a clearly different meaning than the same terms as used in the claims. Moreover, there is no motivation in Java code to modify XML code because different structures and modifiers are used in the different languages.

Accordingly, Applicant respectfully submits that the combination of the *Draft Proposal* and the *Stupek* reference is improper, and even if one were to combine such references, the combination nonetheless fails to disclose or suggest that which is claimed in claims 48, 58 and 69. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 48, 58 and 69 be withdrawn.

Claims 49-57 depend from claim 48. Claims 59-66 depend from claim 58. Claim 70 depends from claim 69. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that no combination of the *Draft Proposal* and *Stupek* teaches or suggests the invention as claimed in claims 49-66, 69 and 70.

Claims 48-56 were rejected as being obvious over U.S. Patent No. 5,113,341 issued to Kozol, et al. (hereinafter “*Kozol*”) in view of the *Draft Proposal* and the *Stupek* references. As above, Applicant respectfully submits that the combination of references is improper. That is, the motivation to combine the references as suggested in the Action must stem from the references themselves. Insofar as the references fail to provide such motivation, Applicant

respectfully submits that such combination is improper, and respectfully requests that the §103(a) rejections based thereon be withdrawn.

In addition to the foregoing, without the need to further characterize the *Kozol* reference, and without adopting the Examiner's characterization thereof, Applicant respectfully submits that the *Kozol* reference is not cited as curing and does not, in fact, cure the limitations identified above. That is, the Action acknowledges that the *Kozol* reference fails to disclose or suggest the use of public and private data elements within a vehicle description language data structure, as claimed in amended claim 48. Insofar as the *Draft Proposal* and *Stupek* fail to cure this limitation, Applicant respectfully submits that claim 48, as amended is patentable over the cited references.

Applicant respectfully submits that claims 58 and 69 include features similar to those identified above in amended claim 48, albeit in accordance with their respective embodiments. Accordingly, Applicant respectfully submits that claims 58 and 69 are likewise patentable over the cited references.

Applicant notes that claims 47-56, 58-68 and 70 are each dependent on patentable base claims 48, 58 and 69, respectively. In this regard, in addition to any independent basis for patentability, Applicant respectfully submits that claims 47-56, 58-68 and 70 are similarly patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103(a) rejections of claims 47-56 be withdrawn.

### **Conclusion**

In light of the foregoing amendments and remarks, Applicant respectfully asserts that claims 48-66, 69 and 70, as selectively amended, are in condition for allowance, and earnestly

awaits notice thereof. In an effort to expedite prosecution of this matter, the Examiner is invited to call the undersigned counsel for the Applicant to discuss any further issues preventing allowance of the currently pending claims.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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